

Service Date: May 1, 1989

FINAL ORDER NO. 5927

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	DOCKET NO. T-9359
HOWARD R. ROBERTS & ELIZABETH R.)	
ROBERTS, JOINT TENANCY, DBA H.R.)	ORDER NO. 5927
ROBERTS & SONS, Fairfield, Montana)	
for a Certificate of Public Conven-)	
ience and Necessity.)	

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On January 24, 1989, Howard R. Roberts and Elizabeth R. Roberts, joint tenancy, dba H.R. Roberts & Sons, Route 2 Box 45, Fairfield, Montana 59436, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing the transportation of milk and dairy products, frozen foods, groceries, pharmaceuticals and sundries, Class C, between all points and places in the State of Montana.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public February 3, 1989. That notice said in pertinent part:

If no written protests are received by February 23, 1989, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests were filed by Montana Carriers, Inc., Billings, Montana, and Molerway Freight Lines, Inc., Billings, Montana.

4. Notice of Public Hearing was issued March 24, 1989, setting the docket for hearing on Thursday, April 13, 1989, in Helena, Montana. Prior to that hearing date, Applicant restrictively amended the application. Protests subsequently were withdrawn and the hearing was not held.

5. The record of this application is available for inspection at the Public Service Commission Office, 2701 Prospect Avenue, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the

State of Montana, held in its offices at 2701 Prospect Avenue, Helena, Montana, on the 1st day of May, 1989, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-9359, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of HOWARD R. ROBERTS AND ELIZABETH R. ROBERTS, JOINT TENANCY, DBA H.R. ROBERTS & SONS, Fairfield, Montana for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class C - Milk, dairy products & frozen foods

A) From points in Cascade County, Montana, to all points and places in the State of Montana. Limitations: Transportation services are limited to the following accounts or their successors and assigns: (1) Albertson's, Inc.; (2) Skaggs Alpha Beta, Inc., Buttrey Food Stores Division; (3) Denny's IGA; (4) Farris, Inc. dba Rod's Thriftway; and (5) West County Market.

B) From points in Cascade County, Montana to all points and places in the State of Montana; and from points in Flathead County, Montana, to points in Cascade County Montana. Limitations: Transportation services are limited to account of (1) Meadow Gold Dairies, Inc./Borden Division or its successor and assign.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by certified mail to the Applicant herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 1st day of May, 1989, by a vote of 5 - 0 .

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

CLYDE JARVIS, Chairman

HOWARD L. ELLIS, Vice Chairman

JOHN B. DRISCOLL, Commissioner

DANNY OBERG, Commissioner

WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:

Ann Purcell
Acting Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.